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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,536	09/10/1999	BRIAN T. WEBB	5577-177	4362

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EXAMINER

CHOUDHARY, ANITA

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

cd

# Office Action Summary

Application No.

09/394,536

Applicant(s)

WEBB ET AL.

Examiner

Anita Choudhary

Art Unit

2153

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: The reference to "105c" on page 8, line 23, is incorrect as disclosed and should read --115b--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 5, 16, 27, 34-36 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, 16 and 27 recites the limitation "the host information" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is not clear as to whether "the host information" is the same as "the host screen information" recited in claim earlier claims.

Claim 34 recites the limitation "the notification application code" in line 11 of the claim. There is insufficient antecedent basis for this limitation in the claim. It is not clear as to whether "the notification application code" is the same as "notification application" stated earlier in the claim, line 8.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, 12, 19, 23, 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hurgiv in view of Nakabayashi et al.

Hurgiv teaches a message update system having

- A first connections means (main socket) connecting a client to a server (Fig. 1, 214);
- A second connection means (216) used by the server to notify the client if it has a message, wherein if the client desires to retrieve the message, the client makes such a request to the server via the first connection.

Although Hurgiv shows substantial features of the claimed invention, discussed above, the information stored in the server is not screen update information. Nonetheless, storing screen update information at the server for client upon request is well known in the art and would have been an obvious modification of Hurgiv's system, as evidenced by Nakabayashi.

Nakabayashi teaches an update system (see col. 5 lines 12-15) having:

- Server means for storing updates for a client machine

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- Means for monitoring the server for such updates so as to transmit the updated information to the client.

Given the teachings of Nakabayashi, a person having ordinary skill in the art would have readily recognized the advantages of modifying Hurvig by storing screen update information on the server; so as to make the system more flexible (in order that the client can display a variety of messages and programs having unique formats and protocols).

In referring to claims 2, 3, 9, 13, 14, 20, 24, 25 and 31 Nakabayashi teaches:

- Client (communications terminal) comprising of browser (Fig. 48; col 54 lines 29-33).
- Data-Monitor server comprising of program code. Program code allows means for the monitor server to check the host server for updated data (col. 7 lines 16-18). Code must be extracted and executed as one known to one skilled the art.

In referring to claims 4, 15, and 26 Nakabayashi teaches,

- Host update information in the Markup Language format (Fig. 48, 50).

In referring to claim 6, 17, and 28 Hurvig further teaches

- First and second connections are conducted via a single communications link (Fig. 4, 200).

In referring to claim 7, 11, 18, 22, 29, and 33 Hurvig further teaches,

- Means for identifying a second client in response to request from client (col 14 lines 3-11).

In referring to claim 10, 21, and 32 Nakabayashi teaches,

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- Incorporating notification (check sum) in host information sent to client (user).  
(col 46 lines 40-54)

In referring to claim 34 Nakabayashi teaches,

- Client (communications terminal) application comprising of browser configured to communicate with server (col. 41 lines 26-31).

In referring to claim 35 Hurvig teaches,

- First and second connection comprising of sockets (Fig. 4 item 214, 216).

In referring to claim 36 Nakabayashi teaches,

- A system wherein notification (hypertext) is embedded in web page provided to browser by host server. Embedded notification being hypertext data comprising of date and time of latest update (col 45 lines 4-9; col 46 lines 30-34).

Claim 5, 16, and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Hurvig in view of Nakabayashi in further view of King et al.

Although the combined teachings of Hurvig and Nakabayashi show substantial features of the claimed invention (discussed above), it fails to disclose host information comprising of terminal emulation information. Nonetheless, this feature is well known in the art and would have been an obvious modification to the system disclosed by Hurvig and Nakabayashi as evidenced by King et al.

In an analogous art, King et al discloses a server supplying host information to a connected client.

- Host information comprises of terminal emulation information (Fig 2 item 216, 232).

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Given the teachings of King, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying Hurvig in view of Nakabayashi by employing the well known features of a terminal emulator, such as disclosed by King et al, in order to make the client screen appear to look like the server host screen.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- o Butts et al. discloses a computer networking environment allowing client sytem connection to legacy host system using server.
- o Sudama et al. Discloses a single bi-directional communications link between client and server for host information flow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 746-7238.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

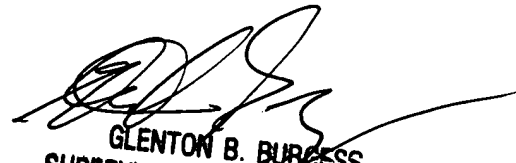
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AC

April 18, 2002



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